

REMARKS

In response to the final Office Action dated July 24, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

Rejection of Claims under § 103 (a) over *Logan & Ando*

The Office rejects claims 1-3 and 6-10 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* in view of U.S. Patent Application Publication 2003/0126610 to Ando.

These claims, though, are not obvious over *Logan* and *Ando*. These claims recite, or incorporate, many features that are not disclosed or suggested by the proposed combination of *Logan* and *Ando*. Independent claim 1, for example, recites “*grouping together individual packets as a segment that require the subcontracted processing service*” and “*subcontracting the segment via a network to the different service provider to receive the subcontracted processing service.*” Independent claims 11 and 12 recite similar features.

The combined teaching of *Logan* and *Ando* does not obviate at least these features. As the Assignee has previously explained, *Logan* segments broadcast programming and uses demographics and preferences to select segments that match the needs of users. See U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* at paragraphs [0043], [0045], and [0047]. Even so, *Logan* completely fails to teach or suggest the “*subcontracting*” features of independent claim 1.

The Office now alleges that *Ando* teaches these “*subcontracting*” features. The Office even cites to several paragraphs within *Ando*, but the Office is, very respectfully, mistaken. *Ando* describes a request for reserving a frequency band (or maximum packet length) in a

network route. See U.S. Patent Application Publication 2003/0126610 to Ando at paragraphs [0090] and [0091]. As the Assignee explains below, *Ando* fails to teach, suggest, or even contemplate the “*subcontracting*” features of independent claim 1. *Ando*, quite simply, has nothing to do with “*subcontracting*” of a segment of individual packets.

The Office, for example, cites to *Ando*’s paragraph [0042]. This paragraph is reproduced in its entirety below:

[0042] More specifically, this IP streaming system includes an headend system 10 which stores many types of multimedia contents and executes distribution processing of multimedia contents such as videos for which viewing requests are sent from users, a network 20 having, for example, a ring-topology configuration, and a plurality of distribution HUBs 30.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0042]. As the Office should now realize, this paragraph makes absolutely no mention of “*determining a subcontracted processing service is required*” and “*interrogating a different service provider to fulfill the subcontracted processing service.*” Independent claim 1 also recites “*grouping together individual packets as a segment that require the subcontracted processing service*” and “*subcontracting the segment via a network to the different service provider to receive the subcontracted processing service.*” Independent claim 1 also recites “*receiving a result of the subcontracted processing service from the different service provider.*” *Ando*’s paragraph [0042], then, does not teach what the Office alleges.

The Office also cites to *Ando*’s paragraph [0045], but the Office is again mistaken. *Ando*’s paragraph [0045] is reproduced in its entirety below:

[0045] This navigation server 11 incorporates an EPG (Electronic Program Guide) which becomes a menu window which is possessed by the server 11 itself and can be browsed, navigation server software, other necessary software, and the like, and executes required processing while securing cooperation among the EPG and various pieces of software. When a request to view a given content is sent from a user, the navigation server 11 receives the type of requested content. If a VOD content is requested, the navigation server 11 notifies the distribution

server 12 of the corresponding information. Assume that the requested content is distributed by broadcasting, the navigation server 11 does not notify the distribution server 12.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0045]. This paragraph discusses a “navigation server” that stores an EPG and notifies a distribution server of requested video-on-demand content. This paragraph is entirely silent to “*determining a subcontracted processing service is required*” and “*interrogating a different service provider to fulfill the subcontracted processing service.*” Independent claim 1 also recites “*grouping together individual packets as a segment that require the subcontracted processing service*” and “*subcontracting the segment via a network to the different service provider to receive the subcontracted processing service.*” Independent claim 1 also recites “*receiving a result of the subcontracted processing service from the different service provider.*” Ando’s paragraph [0045], then, does not teach what the Office alleges.

The Office also cites to Ando’s paragraph [0046]. Again, though, the Office is, respectfully, mistaken. Ando’s paragraph [0046] is reproduced in its entirety below:

[0046] This distribution server 12 has a large-capacity distribution information database 12a which stores many types of multimedia contents, band information and necessary distribution time information required to distribute the respective contents, and other information required for distribution, and has the function of managing distribution information including various types of contents. Upon reception of a distribution request for a VOD content from the navigation server 11 on the basis of request source information such as an IP address, the distribution server 12 reads out the requested content from the distribution information database 12a, and distributes to the user on the basis of the request source information. In contrast, a broadcast content is distributed by using a multicasting technique such as IP multicasting. Note that a broadcast content is set in advance on the basis of the use frequency in the past or a use frequency is set in advance and a content whose use frequency exceeds the reference use frequency is automatically recognized as a broadcast content. Alternatively, such contents are determined in accordance with a contract with a contents provider.

U.S. Patent Application Publication 2003/0126610 to Ando at paragraph [0046]. This paragraph also discusses the “distribution server” that distributes VOD content to a requesting user. The

last sentence of *Ando*'s paragraph [0046] briefly mentions a "contract with a contents provider." This meager disclosure cannot reasonably be interpreted as teaching or suggesting "*determining a subcontracted processing service is required*" and "*interrogating a different service provider to fulfill the subcontracted processing service.*" Independent claim 1 also recites "*grouping together individual packets as a segment that require the subcontracted processing service*" and "*subcontracting the segment via a network to the different service provider to receive the subcontracted processing service.*" Independent claim 1 also recites "*receiving a result of the subcontracted processing service from the different service provider.*" *Ando*'s paragraph [0046], then, does not teach what the Office alleges.

Claims 1-3 and 6-10, then, are not obviated by *Logan* and *Ando*. Neither *Logan* nor *Ando* teach or suggest the "*subcontracting*" features recited by independent claim 1, from which claims 2-3 and 6-10 depend. One of ordinary skill in the art, then, would not think that claims 1-3 and 6-10 are obvious over *Logan* and *Ando*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 11, 13 & 17 under § 103 (a)

Claims 11, 13, and 17 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Logan* in view of *Ando* and further in view of U.S. Patent Application Publication 2004/0139208 to Tuli.

Claims 11, 13, and 17, however, are not obvious over *Logan*, *Ando*, and *Tuli*. These claims recite, or incorporate, features not taught or suggested by *Logan*, *Ando*, and *Tuli*. Independent claim 11, for example, also recites the "*subcontracting*" features discussed above with reference to independent claim 1. Claims 13 and 17 depend from independent claim 11 and, thus, incorporate these same distinguishing features and recite additional features. As the above paragraphs already explained, both *Logan* and *Ando* fail to teach or suggest the "*subcontracting*" features recited by independent claim 11, and *Tuli* does not cure these deficiencies. *Tuli* describes a combination cell phone and PDA that receives and displays a bit map image. See U.S. Patent Application Publication 2004/0139208 to Tuli at paragraph [0003].

Tuli also discusses a correlation analysis to only send blocks of web page data that have changed. *See id.* at paragraph [0078].

Still, though, the combined teaching of *Logan*, *Ando*, and *Tuli* does not obviate claims 11, 13, and 17. The proposed combination of *Logan*, *Ando*, and *Tuli* still fails to teach or suggest the “*subcontracting*” features recited by independent claim 11, and claims 13 and 17 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 11, 13, and 17 are obvious over *Logan*, *Ando*, and *Tuli*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 12, 14 & 18 under § 103 (a)

Claims 12, 14, and 18 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Logan* in view of *Ando* and *Tuli* further in view of U.S. Patent Application Publication 2004/0019900 to Knightbridge, *et al.*

Claims 12, 14, and 18, however, are not obvious over *Logan*, *Ando*, *Tuli*, and *Knightbridge*. These claims recite, or incorporate, features not taught or suggested by *Logan*, *Ando*, *Tuli*, and *Knightbridge*. Independent claim 12, for example, also recites similar “*subcontracting*” features that were discussed above with reference to independent claims 1 and 11. Claims 14 and 18 depend from independent claim 12 and, thus, incorporate these same distinguishing features and recite additional features. As the above paragraphs already explained, *Logan*, *Ando*, and *Tuli* fail to teach or suggest these “*subcontracting*” features recited by independent claim 12, and *Knightbridge* does not cure these deficiencies. *Knightbridge* describes a third party calendar service that is offered to content subscribers. *See* U.S. Patent Application Publication 2004/0019900 to Knightbridge, *et al.* at paragraph [0037].

Still, though, the combined teaching of *Logan*, *Ando*, *Tuli*, and *Knightbridge* does not obviate claims 12, 14, and 18. The proposed combination of *Logan*, *Ando*, *Tuli*, and *Knightbridge* still fails to teach or suggest the “*subcontracting*” features recited by independent claim 12, and claims 14 and 18 incorporate these same features and recite additional features.

One of ordinary skill in the art, then, would not think that claims 12, 14, and 18 are obvious over *Logan*, *Ando*, *Tuli*, and *Knightbridge*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 4 & 5 under § 103 (a)

Claims 4 and 5 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Logan* in view of *Ando* and further in view of U.S. Patent 7,184,548 to *Wee*, *et al.*.

Claims 4 and 5, though, are not obvious over *Logan*, *Ando*, and *Wee*. These claims depend from independent claim 1, so claims 4 and 5 incorporate the distinguishing features discussed above. As the above paragraphs explained, both *Logan* and *Ando* fail to teach or suggest the “*subcontracting*” features recited by independent claim 1, and *Wee* does not cure these deficiencies. *Wee* describes a computer system that segments video data. *See* U.S. Patent 7,184,548 to *Wee*, *et al.* at column 3, lines 38-51. As *Wee* explains, “the video data is comprised of a stream of uncompressed video frames which are received by segmented 702.” *Id.* at column 7, lines 64-66. As FIG. 10 illustrates, the video frame is segmented into regions. *See id.* at column 9, lines 18-21, lines 23-27, and lines 27-30. *See also* FIGS. 10A, 10B, and 10C. Each region is then packetized using header data and scalable video data. *See id.* at column 8, line 62 through column 9, line 7. *Wee* further explains its process at column 10, line 55 through column 11, line 20.

Still, though, the combined teaching of *Logan*, *Ando*, and *Wee* does not obviate claims 4 and 5. The proposed combination of *Logan*, *Ando*, and *Wee* still fails to teach or suggest the “*subcontracting*” features recited by independent claim 1, and claims 4 and 5 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 4 and 5 are obvious over *Logan*, *Ando*, and *Wee*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 15 & 16 under § 103 (a)

Claims 15 and 16 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Logan* in view of the teachings of *Ando*, *Tuli*, and *Wee*.

Claims 15 and 16, though, are not obvious over *Logan*, *Ando*, *Tuli*, and *Wee*. These claims depend from independent claim 11, so claims 15 and 16 incorporate the distinguishing features discussed above. As the above paragraphs explained, *Logan*, *Ando*, *Tuli*, and *Wee* all fail to teach or suggest the “*subcontracting*” features recited by independent claim 11. One of ordinary skill in the art, then, would not think that claims 15 and 16 are obvious over *Logan*, *Ando*, *Tuli*, and *Wee*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

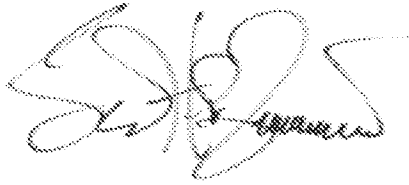
Rejection of Claims 19 & 20 under § 103 (a)

Claims 19 and 20 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Logan* in view of the teachings of *Ando*, *Tuli*, *Knightbridge*, and *Wee*.

Claims 19 and 20, though, are not obvious over *Logan*, *Ando*, *Tuli*, *Knightbridge*, and *Wee*. These claims depend from independent claim 12, so claims 19 and 20 incorporate the distinguishing features discussed above. As the above paragraphs explained, *Logan*, *Ando*, *Tuli*, and *Wee* all fail to teach or suggest the “*subcontracting*” features recited by independent claim 12. One of ordinary skill in the art, then, would not think that claims 19 and 20 are obvious over *Logan*, *Ando*, *Tuli*, *Knightbridge*, and *Wee*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. P. Zimmerman', with a stylized flourish at the end.

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